

Town of Northumberland
Board of Selectmen
2 State Street
Groveton, NH 03582

**Administrative Order
No. WMD 02-04**

February 4, 2002

A. INTRODUCTION

This Administrative Order is issued by the Department of Environmental Services, Waste Management Division to the Town of Northumberland pursuant to RSA 149-M:15. This order is effective upon issuance.

B. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. The Town of Northumberland ("Town") is a duly-constituted municipality of the State of New Hampshire having a mailing address of 2 State Street, Groveton, NH 03582.

C. STATEMENT OF FACTS AND LAW

1. RSA 149-M authorizes DES to regulate the management and disposal of solid waste. Pursuant to RSA 149-M:7, the Commissioner of DES has adopted NH Administrative Rules Env-Wm 100-300, 2100 *et seq.* ("Solid Waste Rules") to implement this program.
2. The Town is the owner of the property identified on the Town tax maps as Tax Map R-3, Lot 1055 ("Property").
3. RSA 149-M:9, I states that "[n]o person shall construct, operate, or initiate closure of a public or private facility without first obtaining a permit from [DES]".
4. RSA 149-M:4, IX defines "facility" as "a location, system, or physical structure for the collection, separation, storage, transfer, processing, treatment, or disposal of solid waste".
5. A solid waste disposal facility ("Landfill") exists on the Property.
6. A review of DES records has revealed that the Town has not applied for a permit to either operate or close the Landfill.

D. DETERMINATIONS

1. The Town has violated RSA 149-M:9, I by failing to obtain a permit to operate or initiate closure activities at the Landfill.

E. ORDER

Based on the above findings, DES hereby orders the Town as follows:

1. By December 31, 2003, complete closure of the Landfill in accordance with the Solid Waste Rules and final closure design plans submitted by the Town on November 20, 2001, along with any subsequent revision, to be reviewed and approved by DES.
2. After closure, conduct post-closure maintenance and monitoring activities in accordance with the Solid Waste Rules and approved closure design documents.

Please address correspondence to:


Mr. Richard S. Reed, Administrator
Solid Waste Management Bureau
NHDES, Waste Management Division
6 Hazen Drive
Concord, NH 03301-6509

F. APPEAL

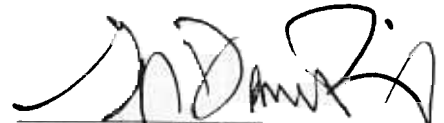
Any person aggrieved by this Order may appeal the Order to the Waste Management Council by filing an appeal that meets the requirements specified in Env-WMC 200 within 30 days of the date of this Order. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve the Town of the obligation to comply with the Order.

G. OTHER PROVISIONS

Please note that RSA 149-M provides for administrative fines, civil penalties, and criminal penalties for the violations noted in this Order, as well as for failing to comply with the Order itself. The Town remains obligated to comply with all applicable requirements, in particular RSA 149-M and the New Hampshire Solid Waste Rules. DES will continue to monitor the Town's compliance with applicable requirements and will take appropriate action if additional violations are discovered.



Philip J. O'Brien, Ph.D., Director
Waste Management Division



George Dana Bisbee, Assistant Commissioner
Department of Environmental Services

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cc: J. Patterson, NHDoJ
Gretchen C. Rule, NHDES Legal Unit
Northumberland Town File/DB